

Serial No. 09/994,846  
Docket No. FJ-2001-030-US

9

### REMARKS

Entry of this Amendment is proper under 37 CFR §1.116, since:

- no new claims or issues are presented;
- the claim amendments include a removal of the rejection for 35 U.S.C. §112, second paragraph, thereby simplifying the issues for Appeal;
- the priority date of November 29, 2000, for filing the present invention in an Application in Japan is one day earlier than the U.S. filing date of newly-cited secondary reference Okada. The Examiner will likely want to modify the rejection currently of record prior to proceeding to Appeal, since this reference can be disqualified by perfecting the present Application's earlier US priority based on its foreign filing date in Japan; and
- the Examiner continues to reject the present invention over Parker by refusing to honor the plain meaning of the claim language, as one having ordinary skill in the art would agree to its interpretation. Applicant has attempted to clarify language to be more satisfactory to the Examiner.

Claims 1-20, all of the claims presently pending in the application, are rejected on prior art grounds.

It is noted that Applicant specifically states that no amendment herein to any claim should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claim 20 stands rejected under 35 U.S.C. §112, second paragraph, for allegedly being indefinite. Applicant believes that the above amendment to claim 20 appropriately addresses the Examiner's concern and requests that the Examiner reconsider and withdraw this rejection.

Claims 1-14, 17, and 20 stand rejected under 35 U.S.C. § 102(b) as anticipated by Parker (in the book, The Complete Idiot's Guide to Microsoft Front Page 2000, 1999). Claims 15, 16, and 18 stand rejected under 35 U.S.C. § 103(a) as unpatentable over Parker, further in view of US Patent Publication No. 2001/0040625 to Okada et al. Claim 19 stands rejected under 35 U.S.C. § 103(a) as unpatentable over Parker, further in view of US Patent 6,812,962 to Fredlund et al.

Serial No. 09/994,846  
Docket No. FJ-2001-030-US

10

These rejections are respectfully traversed in the following discussion, particularly since newly-cited Okada can be removed as a prior art reference by reason that its United States filing date (e.g., November 30, 2000), is one day later than the Japanese priority date of the present invention (e.g., November 29, 2000).

## **I. THE CLAIMED INVENTION**

As described by, for example, claim 1, the present invention is directed to a homepage creation and update program which causes a plurality of image files to be displayed and allows a user to select a desired image and to indicate one of homepage creation and update using the selected desired image.

The homepage creation and update program causes a computer to display a plurality of stored images and allow the user to select a desired image. When the user selects a plurality of desired images and indicates beginning of the homepage creation process, the selected plurality of images are automatically arranged according to image information stored in each image file by a camera.

Parker fails to teach or suggest this automatic arrangement of images based on an image parameter stored in the camera.

## **II. THE PRIOR ART REJECTIONS**

The Examiner alleges that "The Complete Idiot's Guide to Microsoft FrontPage 2000" anticipates the present invention as defined by claims 1-14, 17, and 20, and, when modified by Okada, renders obvious claims 15, 16, and 18, and, when modified by Fredlund, renders obvious claim 19.

Applicant does not repeat herein the entirety of the arguments presented in the previous Amendment, filed on September 23, 2005, related to the rejection based on Parker, but rather responds to the Examiner's Response to Arguments in paragraphs 6 and 7, beginning on page 9 of the latest Office Action, mailed on December 21, 2005. However, prior to Applicant's response to these points raised by the Examiner, Applicant will address the newly-cited references Okada and Fredlund.

Serial No. 09/994,846  
Docket No. FJ-2001-030-US

11

The Rejection Based on Okada

Relative to the rejection for claims 15, 16, and 18, wherein the Examiner concedes that Parker fails to teach or suggest using image data for the automatic arranging on a homepage and introduces Okada, pointing to paragraphs 0061 and 0063.

In response, Applicant first submits that the description in these two paragraphs fail to satisfy the plain meaning of the claim language, since the incidental information is clearly described as being "for an image", in addition to the image data. The additional data described in paragraph 0063 is data related to all of the images being transmitted, not data for each image.

Second, Applicant submits that this secondary reference Okada is non-analogous art, since it is not related to generation of a homepage, and, therefore, not properly combinable with primary reference Parker. At most, this secondary reference establishes a digital camera that is capable of transmitting additional information as it transmits a group of images to an image station to be stored on a hard disk to be thereafter accessible to a user via the Internet. This is a problem entirely different from that of an automatic homepage generation. There is no suggestion in Okada to use this additional data for any express purpose, let alone that of its potential in an automatic homepage generation process.

Therefore, at most, Okada merely demonstrates that a digital camera can provide data for transmission that is additional to the image data being transmitted. It fails to establish this additional data as data associated with respective images. Nor does it suggest using the additional data for homepage generation.

Third, it is noted that Okada can be disqualified as a prior art reference by submitting a verified translation of the priority document of the present Application, since the Japanese filing date is one day earlier than the U.S. filing date of Okada.

The Rejection Based on Fredlund

Relative to the rejection for claim 20, wherein the Examiner concedes that Parker fails to teach or suggest using image data for the automatic arranging on a homepage and introduces Fredlund, pointing to lines 1-31 of column 4.

In response, Applicant points out that, similar to the comments above for Okada, there is no suggestion to use the image metadata that is mentioned in passing at line 23 of column 4

Serial No. 09/994,846  
Docket No. FJ-2001-030-US

12

for any specific purpose, let alone that of an automatic homepage generation. This reference merely demonstrates that the Exif data files include metadata.

The Rejections as Based on Parker

Returning now to the rejection based on primary reference Parker and, more specifically, to the Examiner's Response to Arguments in paragraph 7 beginning on page 9 of the latest rejection in the Office Action dated December 21, 2005, the Examiner is now attempting to confuse and/or misinterpret the plain meaning of "arranging ... automatically", as used in the independent claims.

First, the Examiner alleges that Applicant's argument "... that there is no user intervention required for arranging the claimed invention ..." is "... contradictory to the claim language because the claims recite that the arranging is performed in response to the user selecting the desired images and indicates beginning of the homepage creation process; therefore, at least the user intervention of selecting images is required for the arranging to begin."

In response, Applicant submits that the Examiner seems to have mis-interpreted Applicant's previous argument primarily on page 11 of the previous Amendment, wherein Applicant attempted to explain that the manual processes of Parker upon which the Examiner relied upon had nothing to do with an automatic arranging of the images. Applicant does not dispute that the present invention might require that the user select images to be incorporated into the homepage and might have to select one or more parameters upon which the selected images are to be automatically ordered. Those user-instruction-related steps are clearly defined in the claims.

Applicant submits that what Parker clearly fails to suggest is the automatic arranging of the selected images, as based upon information that is stored by the camera with the image data for each image for generating a homepage. Indeed, none of the prior art currently of record makes this suggestion.

Hence, taking claim 1 as an example, in Parker there is no teaching or suggestion of: "... arranging, when the user selects a plurality of desired images and indicates beginning of the homepage creation process, the selected plurality of images, automatically, according to image information stored in each image file by a camera."

Serial No. 09/994,846  
Docket No. FJ-2001-030-US

13

Second, the Examiner alleges that the independent claim language fails to exclude the user as doing the “automatic arrangement”, rather than the claimed system.

In response, Applicant submits that the description of, for example, independent claims 1 and 8 clearly describes the user’s inputs and the preamble clearly describes that the computer executes the function of the automatic arranging. The user’s input is limited to that of selecting the images to be arranged and has no other part in the automatic arrangement process. Thus, if the user selects the date/time image parameter, the images will be automatically arranged on the homepage in the order of date and time.

Third, the Examiner alleges that the present claim language can be interpreted to mean:

*“... the user automatically arranging the selected plurality of images when the user selects a plurality of desired images and indicates beginning of the homepage creation process, and necessarily the computer program automatically arranging the selected plurality of images when the user selects a plurality of desired images and indicates beginning of the homepage creation process. In addition, the article written by Parker is essentially a guide to Microsoft FrontPage 2000, an HTML editor used to design/create web pages. FrontPage allows users to interact with the interface and perform actions such as adding images and text to a page layout, and then converts the user created page layout into HTML code upon the users uploading the created page onto the web server, thus creating a webpage. The examiner respectfully argues that FrontPage, as described in Parker, allows users to add images to a web page (pages 86-90) and then save and upload the created page comprising the added image (pages 26-27, 107 and 297-300); therefore, when the user chooses to upload the created page, i.e., indicate beginning of a homepage creation process, FrontPage automatically creates the web page according to the page saved by the user, with the desired images arranged according to user selection, i.e., FrontPage converts the user created page comprising the selected images into HTML code for publishing/uploading onto the Internet, thereby producing a webpage.”*

Applicant submits that the problem with the above interpretation of “automatic arrangement” the images as based on all of the selections made by the user is that the arrangement data is the HTML data associated with the webpage. This “automatic arrangement” of images described above by the Examiner is merely the generation of the display of the webpage and fails to satisfy the plain meaning of the claim language, since this HTML page arrangement data is not “... image information stored in each image file”, as required by the claim language. Rather, it is image data stored in the webpage data.

Serial No. 09/994,846  
Docket No. FJ-2001-030-US

14

In contrast, in an exemplary embodiment, the present invention has the capability of allowing the user to select a parameter that is data stored with each image file as the basis for automatically arranging the images.

Accordingly, Applicant respectfully requests that the Examiner reconsider and withdraw the rejection based on Microsoft FrontPage 2000.

Finally, prior to proceeding to Appeal, Applicant additionally places on record the following comments concerning the rejections for specific claims.

Relative to claims 2 and 9, the rejection currently of record fails to address an automatic arranging based on the order of the user's selection of images. Prior to Appeal, Applicant requests that the Examiner point out one or more specific lines in Parker that is being relied upon.

Relative to claims 3 and 10, the rejection currently of record points to pages 92-96 and 102-106 of Parker. However, there is no suggestion in any of these pages that these parameters are used as the basis for arrangement of the images. Applicant requests that the Examiner point out specific lines prior to Appeal.

Relative to claims 4 and 11, the description on pages 276-277 and 290-291 of Parker relates to parameters in a file directory, not that of a display for a layout of images. Nor is there any suggestion to use these parameters as selected parameters to arrange any images on a homepage. The Examiner is requested to point to specific lines prior to Appeal.

Relative to claim 20, the description on pages 26-27, 107, and 297-300 may or may not describe the retention of additional data to be stored with each image file, as applied to the webpage display. However, as explained above, the additional data used to arrange the display on the generated webpage is stored as being related to the webpage, not each image individually. Nor is there any suggestion that image data stored with each image file be used as the basis for an automatic arrangement of the images. The Examiner is requested to point to specific lines prior to Appeal.

### III. FORMAL MATTERS AND CONCLUSION

In view of the foregoing, Applicant submits that claims 1-20, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above

Serial No. 09/994,846  
Docket No. FJ-2001-030-US

15

application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: 3/21/06

Frederick E. Cooperrider, Esq.  
Registration No. 36,769

**McGinn Intellectual Property Law Group, PLLC**  
8321 Old Courthouse Road, Suite 200  
Vienna, VA 22182-3817  
(703) 761-4100  
Customer No. 21254

CERTIFICATION OF TRANSMISSION

I certify that I transmitted via facsimile to (571) 273-8300 this Amendment under 37 CFR §1.116 to Examiner T. Zhou on March 21, 2006.



Frederick E. Cooperrider  
Reg. No. 36,769